

ORDINANCE NO. _____

An ordinance repealing and replacing Section 56.11, Article 6, Chapter V, of the Los Angeles Municipal Code to prohibit the storage of personal property in public areas.

**THE PEOPLE OF THE CITY OF LOS ANGELES
SO ORDAIN AS FOLLOWS:**

Section 1. Section 56.11 of the Los Angeles Municipal Code is repealed in its entirety and replaced with the following:

SEC. 56.11. STORAGE OF PERSONAL PROPERTY.

1. Declaration of Legislative Intent - Purpose.

Public areas should be accessible and available to residents and the public at large for their intended uses. The unauthorized use of public areas for the storage of personal property interferes with the rights of other members of the public to use public areas for their intended purposes and can create a public health or safety hazard that adversely affects residential and commercial areas. The purpose of this article is to maintain public areas in clean, sanitary and accessible condition to prevent the misappropriation of public areas for personal use, and to promote the public health and safety by ensuring that public areas remain readily accessible for their intended uses.

2. Definitions.

The definitions contained in this subsection shall govern the construction, meaning and application of words and phrases used in this article.

(a) **“Alley”** means any highway having a Roadway not exceeding 25 feet in width which is primarily for access to the rear or side entrances of abutting property.

(b) **“Bikeway”** means all facilities that provide primarily for, and promote, bicycle travel.

(c) **“Bulky Item or Bulky Items”** means any item, with the exception of a Tent, that is too large to fit in one of the City’s 60 gallon trash containers with the lid closed, including but not limited to a mattress, couch, chair or other furniture or appliance.

(d) **“Highway”** means a way or place of whatever nature, publicly maintained and open to the use of the public for purposes of vehicular travel.

(e) **“Parkway”** means the area of the Street between the back of the curb and the Sidewalk that typically is planted and landscaped.

(f) **“Person”** means any individual, group, business, business trust, company, corporation, joint venture, joint stock company, partnership, entity, association, club or organization composed of two or more individuals (or manager, lessee, agent servant, officer or employee).

(g) **“Personal Property”** means any and all tangible property, and includes, but is not limited to, goods, materials, merchandise, Tents, tarpaulins, bedding, sleeping bags, hammocks, personal items such as luggage, backpacks, clothing, documents and medication, and household items.

(h) **“Public Area” or “Public Areas”** means all property that is owned, managed or maintained by the City, except property under the jurisdiction of the Department of Recreation and Parks, and shall include, but not be limited to any Street, medial strip, space, ground, building or structure.

(i) **“Roadway”** means that portion of a Highway improved, designed or ordinarily used for vehicular travel.

(j) **“Sidewalk”** means that portion of a Highway, other than the Roadway, set apart by curbs, barriers, markings or other delineation, for pedestrian travel.

(k) **“Store,” “Stored” or “Storing”** means to put aside or accumulate for use when needed, to put for safekeeping, and/or to place or leave in a location.

(l) **“Street”** includes every Highway, avenue, lane, Alley, court, place, square, Sidewalk, Parkway, curbs, Bikeway or other public way in this City which has been or may hereafter be dedicated and open to public use, or such other public property so designated in any law of this state.

(m) **“Tent”** means any tarp, cover, structure or shelter, made of any material that is not open on all sides and which hinders an unobstructed view behind or into the area surrounded by the tarp, cover, structure or shelter.

3. Impoundment of Stored Personal Property; Discard of Stored Personal Property.

(a) No Person shall Store Personal Property in Public Areas.

(b) All Stored Personal Property in Public Areas may be impounded by the City.

(c) Personal Property placed in Public Areas shall be deemed to be Stored Personal Property if it has not been removed from Public Areas within 24 hours of service of written notice, requiring such removal. Moving Personal Property to another location in a Public Area or returning Personal Property to the same block on a daily or regular basis shall not be considered to be removing the Personal Property from a

Public Area. The City may remove and impound such Stored Personal Property after providing 24 hours written notice. This section shall not apply to Personal Property that, pursuant to statute, ordinance, permit, regulation or other authorization by the City or state, is stored on property that is owned or controlled by the City.

(d) Personal Property placed in Public Areas within ten feet of any operational and utilizable entrance, exit, driveway or loading dock may be removed and impounded at any time without prior notice. Post-removal notice shall be provided as set forth in Section 56.11, Subsection 4(b) below.

(e) Personal Property placed in a Public Area which has a clearly posted closure time may be removed and impounded after the closure time, without prior notice. Post-removal notice shall be provided as set forth in Section 56.11, Subsection 4(b) below.

(f) In the event Personal Property placed in a Public Area poses an immediate threat to the health or safety of the public, it may be removed without prior notice and discarded.

(g) Bulky Items placed in a Public Area may be removed without prior notice and discarded.

(h) Evidence of a crime or contraband may be removed from a Public Area without prior notice.

4. **Notice.**

(a) **Pre-Removal Notice.** The written notice required by Subsection 3(c) shall be deemed to have been served if a written notice is served on the Person Storing the Personal Property, or is posted conspicuously on or near the Personal Property. The written notice shall contain the following:

- (1) A general description of the Personal Property to be removed.
- (2) The location from which the Personal Property will be removed.
- (3) The date and time the notice was posted.
- (4) A statement that the Personal Property has been stored in violation of Section 56.11, Subsection 3(a).
- (5) A statement that the Personal Property will be impounded if not removed from Public Areas within 24 hours.

(6) A statement that moving Stored Personal Property to another location in a Public Area shall not be considered to be removing Personal Property from a Public Area.

(7) The location where the removed Personal Property will be stored, including a telephone number and the internet website of the City through which a Person may receive information as to impounded Personal Property as well as information as to voluntary storage location(s).

(8) A statement that impounded Personal Property may be discarded if not claimed within 90 days after impoundment.

(b) **Post Removal Notice.** Upon removal of Stored Personal Property, written notice shall be conspicuously placed in the area from which the Personal Property was removed. The written notice shall contain the following:

(1) A general description of the Personal Property removed.

(2) The date and approximate time the Personal Property was removed.

(3) A statement that the Personal Property was stored in a Public Area in violation of Section 56.11, Subsection 3(a).

(4) The location where the removed Personal Property will be located, including a telephone number and internet website of the City through which a Person may receive information as to impounded Personal Property.

(5) A statement that impounded Personal Property may be discarded if not claimed within 90 days after impoundment.

5. Failure to Remove Attended Personal Property.

It shall be unlawful to fail to remove attended Stored Personal Property within 24 hours of receiving written notice pursuant to Subsection 3(c).

6. Storage and Disposal.

(a) Except as specified herein, impounded Personal Property shall be moved to a place of storage.

(b) Except as specified herein, impounded Personal Property shall be stored by the City for 90 days, after which time, if not claimed, it may be discarded. The City shall not be required to undertake any search for, or return, any impounded Personal Property stored for longer than 90 days.

(c) The City shall maintain a record of the date any impounded Personal Property was discarded.

7. Repossession.

The owner or any other Person entitled to the impounded Personal Property may repossess the Personal Property prior to its disposal upon submitting satisfactory proof of ownership. A Person may establish proof of ownership by, among other methods, describing the location and date when the Personal Property was impounded from a Public Area, and providing a reasonably specific and detailed description of the Personal Property. Valid, government-issued identification is not required to claim impounded Personal Property.

8. Ban on Erection of Tent during Certain Daytime Hours.

No Person shall erect, configure or construct a Tent in any Public Area from 6:00 a.m. to 9:00 p.m. Any Tent erected, configured or constructed between the hours of 9:00 p.m., and 6:00 a.m. must be taken down, folded, put away or deconstructed by 6:00 a.m. of each day.

9. Ban on Attachments to Public and Private Property.

No Person shall erect any barrier against or lay string or join any wires, ropes, chains or otherwise attach any Personal Property to any Public Property, including but not limited, to a building or portion or protrusion thereof, fence, bus shelter, trash can, mail box, pole, bench, newsrack, sign, tree, bush, shrub or plant, without the City's prior written consent. No Person shall erect any barrier against or lay string or join any wires, ropes, chains or otherwise attach any Personal Property to any private property in such a manner as to create an obstruction on or across any Street or area where the public may be expected to travel.

10. Illegal Dumping.

Nothing herein precludes the enforcement of any law prohibiting illegal dumping, including but not limited to California Penal Code Section 374.3, and Los Angeles Municipal Code Sections 41.14, 63.44.B.13 or 190.02, or any successor statutes proscribing illegal dumping.

11. Penalties.

Los Angeles Municipal Code Section 11.00 shall not apply to violations of this section except as to violations of Subsections 5, 8, 9 and 10.

12. **Severability.**

If any subsection, sentence, clause or phrase of this article is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have adopted this section, and each and every subsection, sentence, clause and phrase thereof not declared invalid or unconstitutional, without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

Sec. 2. **URGENCY CLAUSE.** The City Council finds and declares that this ordinance is required for the immediate protection of the public peace, health and safety for the following reason: In order for the City of Los Angeles to ensure that its public areas are in clean, sanitary and accessible condition, and to promote the public health and safety by ensuring that public areas remain readily accessible for their intended uses, it is necessary that the amendments to the Los Angeles Municipal Code as reflected in this ordinance must become effective as soon as possible. For all these reasons, the ordinance shall become effective upon publication pursuant to Los Angeles City Charter Section 253.

Sec. 3. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

I hereby certify that this ordinance was passed by the Council of the City of Los Angeles, at its meeting of _____.

HOLLY L. WOLCOTT, City Clerk

By _____ Deputy

Approved _____

Mayor

Approved as to Form and Legality

MICHAEL N. FEUER, City Attorney

By 
VALERIE L. FLORES
Senior Assistant City Attorney

Date May 20, 2015

File No. CF 14-1656